

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC,

Plaintiff,

v.

C.A. No. 06-505 (SLR)

BACARDI U.S.A., INC.,

Defendant.

NOTICE OF DEPOSITION

TO: Jack B. Blumenfeld
Rodger D. Smith, II
Morris, Nichols, Arsht & Tunnell LLP
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19801

Herbert F. Schwartz
Vincent N. Palladino
Pablo D. Hendler
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036

PLEASE TAKE NOTICE that, under Federal Rule of Civil Procedure 30, Defendant Bacardi U.S.A., Inc. will take the deposition of Mark Barabell at 10:00 a.m. on February 14, 2008, at the offices of Kelley Drye & Warren LLP, 101 Park Avenue, New York NY 10178. You are invited to attend and cross-examine.

MANNER OF RECORDATION OF DEPOSITION

The deposition will be conducted upon oral examination before a certified shorthand reporter who is authorized to administer oaths and will be recorded both stenographically and on videotape.

Of Counsel:

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Dated: January 24, 2008

/s/ Anne Shea Gaza

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*Attorneys for Defendant
Bacardi U.S.A., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2008, I caused to be served the foregoing document on counsel of record at the addresses and in the manner indicated below:

VIA E-MAIL AND HAND DELIVERY

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VIA E-MAIL & FEDERAL EXPRESS

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